

DEC 22 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOAN M. JACOBS,

Plaintiff - Appellant,

v.

THE BOEING COMPANY,

Defendant - Appellee.

No. 02-35738

D.C. No. CV-01-01295-BJR

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Barbara Jacobs Rothstein, District Judge, Presiding

Argued and Submitted December 4, 2003**
Seattle, Washington

Before: BRUNETTI, T.G. NELSON, and GRABER, Circuit Judges.

Joan Jacobs appeals the district court's summary judgment dismissal of her
suit against her former employer, Boeing Company ("Boeing"), in which she

* This disposition is not appropriate for publication and may not be cited to or
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral
argument. See FED R. APP. P. 34(a)(2).

alleged retaliation for having opposed sex discrimination under Title VII¹ and the Washington Law Against Discrimination.² We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm. Because the facts are familiar to the parties, we do not recite them here.

The district court properly granted summary judgment to Boeing.³

Although Jacobs' supervisors implored her to explore other options within Boeing and to remain in its employ, Jacobs voluntarily ended her employment with the company. Boeing did not constructively discharge Jacobs. Because Jacobs has not suffered an adverse employment action, she has failed to present a *prima facie* case of retaliation.⁴ Jacobs' remaining arguments are, accordingly, moot.

AFFIRMED.

¹ 42 U.S.C. § 2000e *et seq.*

² WASH. REV. CODE § 49.60 *et seq.* (West 1997).

³ We review the district court's grant of summary judgment *de novo*. See *Oliver v. Keller*, 289 F.3d 623, 626 (9th Cir. 2002).

⁴ See *Trent v. Valley Elec. Ass'n*, 41 F.3d 524, 526 (9th Cir. 1994) (stating that a plaintiff alleging retaliation in violation of Title VII must demonstrate: "(1) that she was engaging in a protected activity, (2) that she suffered an adverse employment decision, and (3) that there was a causal link between her activity and the employment decision"); *Washington v. Boeing Co.*, 19 P.3d 1041, 1045 (Wash. Ct. App. 2000) (noting that Washington's "discrimination laws substantially parallel Title VII").